

**CITY OF WENATCHEE
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW AND,
P-15-01)	DECISION AND
Cherry Meadows Major Subdivision)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the City of Wenatchee Hearing Examiner on February 24, 2015, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. FINDINGS OF FACT

1. A preliminary plat application was submitted to the City of Wenatchee on January 12, 2015 to divide two existing lots into 39 residential lots with infrastructure (utilities, road, sidewalk, etc.) in three phases.
2. Phase 1 will consist of 10 residential lots and 3 tracts with circulation provided by public roads. Lots 1 and 2, block 1 and lots 3 and 4, block 1 will have access from private lanes (tracts).
3. Phase 2 will consist of 20 residential lots and 1 tract with circulation provided by public roads. Lots 12 and 13, block 1 will have access from a private lane (tract)
4. Phase 3 will consist of 9 residential lots with circulation provided by a public road.
5. The subject site is a 9.07 acres.
6. The site is located at the south end of the 1600 block of Okanogan Avenue, approximately 160-feet south of the Kayla Way intersection with Okanogan Avenue, within the City of Wenatchee, WA. The properties are located in the southwest quarter of the northwest quarter of the southeast quarter and the northwest quarter of the southwest quarter of the southeast quarter of Section 15, Township 22 North, Range 20 E.W.M. Chelan County The subject properties are further identified by Chelan County parcel number: 22-20-15-310-200 and 22-20-15-310-075.
7. The application has been processed as a Type III quasi-judicial review for major subdivisions pursuant to WCC 13.09.050. A public hearing is required for the.
8. The applicant is Gary Bates, on behalf of Cherry Meadows, LLC.
9. The owners are Michael and Patrick Craig.
10. The application materials were accepted as complete by the City of Wenatchee on January 26, 2015.

11. The subject property is located in the Residential Moderate (RM) Zoning District.
12. The Wenatchee Urban Area Comprehensive Plan Land Use designation is Residential Moderate (RM).
13. The proposal does not exceed the maximum density identified in the comprehensive plan as being appropriate for lands designated as Residential Moderate.
14. Single-family dwellings are permitted use in the RS Zoning District as identified in the District Use Chart, WCC 10.10.020.
15. The subject property is not located within an identified resource land or critical area.
16. The subject property is not located in the Wildland Urban Interface (WUI).
17. The subject property is not located in a flood zone for the purposes of zoning in the City of Wenatchee.
18. Appropriate notice of application and public hearing was referred to appropriate local agencies, mailed to property owners within 350' of the subject property, posted on site, and posted on the city's website in accordance with Wenatchee City Code, Title 13 Administration.
19. Referral comments received from agencies have been considered in the review of this application.
 - Chelan County P.U.D., received January 5, 2015
 - Wenatchee Reclamation District, received January 9, 2015
 - City of Wenatchee Public Works – Engineering, received January 10, 2015
 - WA Department of Archaeology & Historic Preservation, received January 11, 2015
 - Confederated Tribes of Colville Reservation, received January 12, 2015
 - Wenatchee School District, received January 13, 2015
20. No public comments were received.
21. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
22. A Traffic Report by Transportation Engineering Northwest of file at the City of Wenatchee states that impacts of development effectively lower the Level of Service below the threshold for a leg of intersection of Crawford and Okanogan, and that mitigation is necessary.
23. The applicant acknowledged in a letter date stamped February 11, 2015 that Cherry Meadows offers to pay a share in the amount of \$13,800.00 as its mitigation contribution of impacts to the intersection of Okanogan Avenue and Crawford Street.
24. A SEPA determination of Optional Determination of Non-Significance (ODNS) was issued on February 11, 2015.

25. In order to meet the state requirements for Enhanced 911 service, all lots within this plat will be addressed prior to final plat approval.
26. An open record public hearing was held on February 24, 2015.
27. At this open record public hearing, the entire planning staff file of record was admitted into the record.
28. Appearing and testifying on behalf of the applicant was Gary Bates. Mr. Bates testified that he was an agent authorized to appear and speak on behalf of the property owner and applicant. Mr. Bates testified that the applicant did not have any objections to any of the proposed conditions of approval. The applicant agreed with all of the representation contained within the staff report. The applicant acknowledged that, according to the Wenatchee Engineering Department report dated January 12, 2015, that the applicant's obligation for the proportional share of funds to further the traffic control system at Crawford and Okanogan is in the amount of \$13,800.
29. Testifying from the public was Jon Port. Mr. Port owns property to the south of the applicant's property. Mr. Port apparently intends to someday develop this property for residential use. Mr. Port's concerns were that the utilities would be able to accomodate the development of his property.
23. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located.
24. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
25. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
26. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

1. The City of Wenatchee Hearing Examiner has been granted the authority to render this decision pursuant to WCC 11.04.08.
2. The subject application demonstrates consistency with the development standards and procedural requirements of WCC, Title 10 Zoning and Title 13 Administration of Development Standards.
3. The application, as conditioned, demonstrates consistency with the goals and policies as set forth in the Wenatchee Urban Area Comprehensive Plan.
4. The application, as conditioned, demonstrates consistency with the WCC 10.46 Development Standards for the Residential Moderate (RM) Zoning District.

5. The application, as conditioned, demonstrates consistency with the subdivision design standards of WCC Title 11 Subdivision.
6. The subject application, as conditioned, demonstrates consistency with Title 12 Environmental Protection standards.
7. The application, as conditioned, demonstrates consistency with adopted levels of service for roads, utilities, fire protection facilities, schools and other public and private facilities needed to serve the development, with assurance of concurrency.
8. The public interest will be served by the subdivision and dedication.
9. The application, as conditioned, provides for the public health, safety and general welfare for open spaces, drainage ways, streets, alleys, other public ways, transit stops, potable water supplies, sanitary waste, parks and recreation, playgrounds, schools and school grounds, and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school.
10. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, Application P-15-01 is hereby APPROVED subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

All Conditions of Approval shall apply to the applicant, and the applicant's heirs, successors in interest and assigns.

1. All conditions imposed herein shall be binding on the "Applicant," which terms shall include the owner or owners of the property, heirs, assigns and successors.
2. The project shall proceed in substantial conformance with the plans and application materials date stamped January 12, 2015 and as amended on February 11, 2015, except as amended by the conditions herein.
3. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
4. Observers from the Tribes and/or state shall be allowed to monitor the site during clearing, grading, and construction of the site.
5. Should any archaeological resources be discovered during grading/construction, all work that would affect the discovered resources must be stopped until proper authorities have been

notified and appropriate steps have been taken to protect the resources in accordance with applicable laws.

6. It shall be the responsibility of the Developer to notify the Colville Confederated Tribes and WA Department of Archaeology & Historic Preservation by certified mail fifteen (15) days prior to any construction, grading, and/or utility placement within the proposed areas of site preparation or excavation.
7. To facilitate efficient emergency response affecting public health and safety, an addressing plan shall be assigned by the City of Wenatchee during blue line review of the final plat. Contact City of Wenatchee Department of Community and Economic Development prior to blue line submittal to select appropriate road names. Addresses for each lot shall be shown on the face of the final plat mylar prior to final plat approval.
8. Prior to final Mylar approval, a home owners association or similar non-profit maintenance association be created for the maintenance of protective improvements as allowed in Sections 11.16.180 and 11.16.190 of WCC and be submitted for approval by the City Attorney.
9. Prior to final plat approval, the approved Declaration of Covenants, Conditions, and Restrictions must be recorded and referenced on the face of the plat.
10. Prior to final plat approval, a private access and maintenance agreement for the Private Lanes (Tracts) must be recorded and referenced on the face of the final plat.
11. All common areas, including drainage ways, and private roads shall be established in tracts and required to be maintained by a homeowners association. Proposed landscaping shall be maintained by a homeowners association.
12. Landscaping and perimeter fencing shall proceed as substantially shown on the preliminary landscape plan dated January 9, 2015, drawn by Thom Vetter, except as required to be revised to address the reverse frontage lots (lot 10, 11, and 12, block 2) to be submitted and approved prior to final plat approval.
13. Prior to final plat approval, the subdivision administrator shall be provided with a copy of release from the Wenatchee Reclamation District and the Millerdale Irrigation District which states that irrigation shares have been segregated.
14. Prior to final plat approval, irrigation water right-of-way for each parcel of land must be shown on the plat, RCW 58.17.310.
15. Tracts within the plat that require irrigation must be declared in covenants as common area.
16. That all public and private utility easements be provided in locations and configurations as required by the various utility purveyors.

17. The final plat shall show the location of all easements serving or encumbering the subject property. The location of existing structures and utilities (i.e. power, sewer, and water lines, etc.) and utility and private access easements shall be depicted on the face of the final plat.
18. That any sign used to identify the development shall be consistent with sign regulations, Chapter 10.50 of WCC.
19. Utilities serving the subject property shall include the installation of PUD fiber and cable service as identified in WCC 5.04 Cable Communications.
20. The subject site and final plat shall conform to the conditions of approval as found in the City of Wenatchee Development Review Engineer, Engineer's Report dated February 10, 2015.
21. A dust abatement plan shall be filed with and approved by the City of Wenatchee prior to any clearing, grading, and/or construction and applied in a manner to control fugitive dust. Washington State Department of Ecology accepted dust control measures shall be adhered to, both during and after construction.
22. A plat certificate showing parties of interest from a title company must accompany the final plat in accordance with WCC Title 11 and RCW 58.17.165. All parties having ownership interest in the subject property shall acknowledge the plat.
23. A final plat map shall be submitted by a land surveyor licensed in the State of Washington and comply with the substantive and submittal standards of WCC Title 11 and RCW 58.17.215.

Dated this 26th day of February, 2015.

CITY OF WENATCHEE HEARING EXAMINER



Andrew L. Kottkamp

Action of the Hearing Examiner is final unless, within twenty one (21) days of the issuance of the Notice of Final Decision, an appeal is filed in the Chelan County Superior Court as provided for in the Wenatchee City Code, Title 13, Chapter 13.11, and RCW 36.70C.040(3)(4)(a).